

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: WALKER et al.

Serial No.: Not Yet Assigned

Filing Date: December 4, 2003

For: METHOD AND APPARATUS FOR
DETERMINING A PROGRESSIVE
DISCOUNT FOR A CUSTOMER BASED
ON THE FREQUENCY OF THE
CUSTOMER'S TRANSACTIONS

) Examiner: Not Yet Assigned
)
) Group Art Unit: Not Yet Assigned
)
) Attorney Docket No: 98-043-C1
)
) **CUSTOMER NO.: 22927**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in an envelope with sufficient postage and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 12/04/03

By

Michael D. Brinton

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items listed on the enclosed copy of Form PTO-1449 and to independently ascertain their teaching.

1. ☐ Applicants respectfully direct the Examiner's attention to the pending U.S. patent applications listed on the enclosed Form PTO-1449. The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. Applicants would be pleased to provide the Examiner with a copy of these applications upon request.
2. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): _____.
3. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): _____.
4. ☒ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:

☒ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.

☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.

[] 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.

5. [] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6. [] A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 10 below.
7. [] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
 - b. this document is to be considered as a petition requesting consideration of the information disclosure statement.
 - c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 10 below.

8. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:

☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;

☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.

☐ The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 10 below.

9. ☐ I hereby certify:

☐ that each item of information contained in the items listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.

☐ that no item of information contained or listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

10. ☐ Please accept payment of the fees due as indicated below:

[] A check in the amount of \$180.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).


[] The Commissioner is hereby authorized to charge \$180.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p).

11. [X] The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

12. [] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed concurrently with a Request for Continued Examination.

Respectfully submitted,

December 4, 2003
Date



Michael D. Downs
Attorney for Applicants
Registration No50,252
Mdowns@walkerdigital.com
(203) 461-7292/phone
(203) 461-7300/fax

INFORMATION DISCLOSURE CITATION				Docket Number 98-043-C1		Serial Number Not Yet Assigned	
				Applicants WALKER et al.			
				Filing Date December 4, 2003		Group Art Unit Not Yet Assigned	

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIAT E

FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No
	A	EP 0 025 754 B1	06/22/83	Europe				
	B	WO 96/21192	07/11/96	PCT				
	C	WO 96/29668	09/26/96	PCT				

OTHER DOCUMENTS <i>(Including author, Title, Date, Pertinent Pages, Etc.)</i>		
	D	Bagot, Brian, "Brand Report: Service, Please", Marketing & Media Decisions, August 1990, pp. 79-83, ISSN: 0195-4296.
	E	Ramirez, Anthony, "The Pizza Version of Dialing '911'", The New York Times, September 9, 1991, Section D, pg. 1, Column 3, Financial Desk.

EXAMINER	DATE CONSIDERED:
-----------------	-------------------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION		Docket Number 98-043-C1	Serial Number Not Yet Assigned
		Applicants WALKER et al.	
		Filing Date December 4, 2003	Group Art Unit Not Yet Assigned
OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)			
	F	O'Kane, Gerry, "Parking your car by computer", South China Morning Post, March 23, 1993, Section: Supplement, pg. 3.	
	G	Casper, Carol, "Restaurants seek loyal customers.", Direct, May 1994, Section: Vol. 6, No. 5, pg. 18, ISSN: 1046-4174.	
	H	"Food Lion Launches Frequent Shopper Plan", Supermarket News, January 30, 1995, Vol.; 45, No. 5, pg. 17.	
	I	"Brazilian companies sell by affinity card", Insurance Industry International, February 1995, No. 32, pg. 6.	
	J	Rubel, Chad, "Young firm armed with technology fights an old giant; ETM to Ticketmaster: Let's rock", Marketing News TM, June 19, 1995, pg. 2.	
	K	"Stop & Shop Debuts Mastercard", Chain Store Age Executive Fax, October 23, 1995, Section: No. 44, Vol. 2.	
	L	Marriott, Anne, "A credit card deal - or not?; Co-branded cards' offers raise takers, debts", The Washington Times, July 17, 1996, Section: Part B, Business, pg. B7.	
	M	"Click this box for extra pepperoni; CyberSlice routes online orders", The Dallas Morning News", December 2, 1996, Section: Business, pg. 6D.	
	N	Cross, Richard et al., "The Customer Value Chain", Marketing Tools, January 1997/February 1997, Section: Database/Direct, pg. 14.	
	O	Bradford, Stacey L., "Food Lion: King of the jungle?", Financial World, January 21, 1997, Financial World, Vol. 166, No. 1, pg. 24, CODEN: FIWOAR, ISSN: 0015-2064.	
	P	Purpura, Linda, "Green Hills Farms finding gold in frequent-shopper cards.", Supermarket News, February 24, 1997, Section: No. 8, Vol. 47, pg. 19, ISSN: 0039-5803.	
	Q	Gilligan, Gregory J., "Ukrop's Branches Into Finance...", The Richmond Times Dispatch, April 27, 1997, Section: Business, pg. E-1.	
	R	Bowie, Liz, "Food Lion looks toward Baltimore...", The Baltimore Sun, April 28, 1997, Section: Business, pg. 11C.	
EXAMINER		DATE CONSIDERED:	
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

INFORMATION DISCLOSURE CITATION		Docket Number 98-043-C1	Serial Number Not Yet Assigned
		Applicants WALKER et al.	
		Filing Date December 4, 2003	Group Art Unit Not Yet Assigned
OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)			
	S	"Grocery shopping goes on line in many markets; Technology spurs remote ordering concept", The Dallas Morning News, May 12, 1997, Section: Business at Pg. 2D.	
	T	Stoneback, Diane, "It's In The Cards...", The Morning Call, June 18, 1997, Section: A.M. Magazine, pg. D1.	
	U	"A & P/Dominion Joins Air Miles (R) Reward Program", Canada Newswire, " August 21, 1997, Section: Financial News.	
	V	Popyk, Bob, "Turn customers into torchbearers", Information Access Company, a Thomson Corporation Company, National Trade Publications, Boating Industry, September 1997, No. 9, Vol. 60, Pg. 33, ISSN: 0006-5404.	
	W	Purpura, Linda, "The great equalizer: when it comes to customer-loyalty programs, quick reactions to incoming data give independent retailers a competitive advantage.", Supermarket News, September 1, 1997, Section: No. 35, Vol. 47, pg. 17, ISSN: 0039-5803.	
	X	Appel, Ted, "Smart Coupons Save Big, Stores Track Spending With Discount Cards", The Press Democrat, October 5, 1997, Section: pg. E1.	
	Y	Blackwell, Richard, "Get Club z points for shopping CIBC", The Financial Post, October 9, 1997, Section: Section 1, News, pg. 17, Company News.	
	Z	Bird, Anat, "Super Community Banking: Sharpen Strategy to Keep Your Bank's Most Profitable Customers for Long Haul", The American Banker, December 3, 1997, Section: Community Banking, pg. 4.	
	AA	"Here Come the Canadian Marketers", Credit Card Management, January 1998, Section: Card Watch".	
	BB	Heller, Al, "Chain Pharmacy: Forecast '98: New Technology Advances Pharmacy Productivity", Lebhar-Friedman Inc., Drug Store News, January 12, 1998 at Pg. CP29.	
	CC	Smith, Rebecca, "Buy More, Pay Less", Pittsburgh Post-Gazette, January 19, 1998, Section: Business, pg. E-1	
EXAMINER		DATE CONSIDERED:	
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

INFORMATION DISCLOSURE CITATION	Docket Number	98-043-C1	Serial Number	Not Yet Assigned
	Applicants			
	WALKER et al.			
	Filing Date	December 4, 2003	Group Art Unit	Not Yet Assigned

OTHER DOCUMENTS *(Including author, Title, Date, Pertinent Pages, Etc.)*

DD	Website: "CIBC Club Z* VISA Card", (http //www cibc com/products/visa/VisaClubZ htm), download date: February 1, 1998.
EE	Website: "Club Z - Your Rewards On-Line", (http //www hbc com/clubz/default asp), download date: February 1, 1998.
FF	"Frequent Shopper Programs – Frequent Shopper Programs are Used by 14% of all Supermarkets", (http //www retailtech com/archive/frequent htm), download date: February 1, 1998.
GG	Website: "Turbocharging Your Customer-Loyalty Programs", (http //www retailtech com/archive/turbocha htm), download date: February 1, 1998.
HH	Rubinstein, Ed, "Internet Continues To Fortify Takeout Sector For Operators", Lebhar-Friedman Inc., Nation's Restaurant News, March 23, 1998 at Pg. 55.
II	"Catching Red Light Runners", Business Communications Company, Advanced Transportation Technology News, June 1998, Vol. 5, No. 2.
JJ	Amato-McCoy, Deena, "Co-Branded Acme Credit Card Rewards Loyal Users", Information Access Company, A Thomson Corporation Company, Capital Cities Media Inc., Supermarket News, June 15, 1998, Pg. 17, ISSN: 0039-5803.
KK	"Acme Markets, U.S. Bancorp Debut Visa Rewards Card", Card News, June 22, 1998, Section: Vol. 13, No. 12.
LL	"Garage management needs", "Unit Tracking with The General Manager Professional", (http www dacobusy com/garage/idxgarg htm), download date: March 16, 1999.
MM	"Welcome to Q Lube!", (http //www qlube com/), download date: March 25, 1999.
NN	Website: "Alphatech, Inc. Looking to the Futue", (http //www alphatech com/), download date: March 25, 1999.
OO	Website: "IMPS Vehicle License Plate Recognition System", (http //www Singapore com/optasia/imps), download date: March 25, 1999.
PP	"Examiner's Affidavit", Affidavit of USPTO Examiner James W. Myhre, February 22, 2001.

EXAMINER

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.